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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/663,551

09/18/2000

Mark R. Thompson

19396-001400US

6622

20350

7590

07/28/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 07/28/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,551

Applicant(s)

THOMPSON ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### Remarks

This communication is responsive to the response filed May 7, 2004. Claims 1-19 are now presented for examination.

### *Response to Arguments*

1. The Applicant arguments with respect to the claim rejections have been fully considered but are moot in view of the amendments and the new ground of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (5,384,910) in view of Le Blanc (5,977,968), and further in view of Washington et al. (US 2001/0035879).

Considering claim 1, Torres and LeBlanc render obvious most claimed features of the invention as set forth in the previous office action, paper # 2 and 11; however, the combination of Torres and Leblanc fail to particularly teach [providing a control accessible by a user to] *reconfigure the shape of the subsection of a GUI without*

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*supplying an input to the application program controlled by the graphical user interface (GUI).*

Washington, in a similar art, teaches [providing a control accessible by a user to] reconfigure the shape of the subsection of a GUI without supplying an input to the application program controlled by the graphical user interface (GUI). See paragraphs 157-160 of page 14 in Washington, wherein the reconfiguration of the shape of the subsection of a GUI corresponds to the change of functionality of the node or GUI, i.e., changing the node functionality from the generation of sine wave data to square wave data, as suggested in paragraph 160. It is noted that since the functionality of the node or GUI reconfiguration is programmatically generated in association with the node based on user input (see paragraph 157 and/or paragraphs 132-136 and 151-153), the reconfiguration process is therefore performed automatically or without supplying an input to the application program controlled by the graphical user interface, as claimed. See paragraphs 22 and ends of paragraph 17 and 24 in Washington.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to combine the GUI reconfiguration recited in Torres and LeBlanc's systems to include [providing a control accessible by a user to] *reconfigure of the shape of the subsection of a GUI without supplying an input to the application program controlled by the graphical user interface* in the same conventional manner as taught by Washington; in order to provide high-level tools which help a user to create a graphical program (see lines 1-4 of paragraph 16 of Washington

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The invention of claims 2-3, 11, including a formatting graphical user interface (item 30, fig. 1 of Torres) comprises defining a subsection of the GUI and designating the subsection of the GUI as reconfigurable (*by means of processor 12 of system 10 defining window 34 including a menu field or subsection 60 of fig. 1 of Torres*), although slightly different, claims 2-3, and 11 recite features that are analogous to and performing the same functions as recited in claim 1. This being the case, the limitations of claims 2-3, and 11 are therefore, subject to rejections for the same reasons and rationale set forth for claim 1.

Re claims 4-10, 12-13, the claimed steps of--utilizing a width and height to define the maximum expansion and the minimum compression size limit of the subsection, and allowing the user to control the expansion the GUI together with the subsection—are characterized by the functions of processing system 10 of Torre, for this feature allows for maximum flexibility in utilizing the formatted GUI and allows for the customization of the components of the GUI by the user operator. See Torre's col. 3.

Considering claims 14-18 contain features that are analogous to the limitations recited in claims 2-3 and 11. As such the limitations recited in claims 14-18 are rejected under the same reasons and rationale set forth above for claims 2-3 and 11.

The invention of claims 19, including the steps of defining the spatial properties of the subsection (*as characterized by Torres' item 56 of fig. 2 by means of processor 12 of fig. 1*); and permitting the user to retain the spatial properties of the subsection during reconfiguration (*a feature interpreted to be performed by means of the operator-initiated command under the execution of the processor to contemplate for the*

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*designation of the reconfigurable subsection of the GUI 30 in Torres*), although slightly different, it recites features equivalent to and performing similar functions as in claim 2. As the limitations of claim 2 have been found to be obvious over the combined teachings of Torres, LeBlanc and the Background section of the instant application, it is readily apparent that the applied prior art recite the underlying functions. Thus, claim 19 is rejected for the same reasons as claim 2, wherein the spatial properties are noted to represent the field menus or subsections arrangements on the screen of GUI 30 (see Torre's fig. 2), so as to make the user interaction easier.

### **Conclusion**

**Any response to this action should be mailed to:**

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label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

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Washington, DC 20231

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308-5857**. The examiner can also be reached on Monday through Thursday and on alternate Fridays between 9:00AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WOS*  
*7/16/04*

*Matthew C. Bella*

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
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